DeMere testimony (1½ hrs, on NPR): very fascinating.

King Killer Is Pictured As A Loner

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From The Commercial Appeal
Washington Bureau

WASHINGTON — Houston lawyer Percy Foreman Monday drew a picture of his former client, James Earl Ray, as the lone assassin of Dr. Martin Luther King Jr. who financed his travels with robberies and invented a fictional companion, 'Raoul,' as his alibi.

Foreman told the House Assassinations Committee he has no doubt Ray acted without co-conspirators and that the publicity made him a hero in his own eyes.

The committee probing the conspiracy theory was also told by former Shelby County Dist. Atty. Gen. Phil Canale that he had never uncovered any evidence indicating a conspiracy.

The final witness Tuesday was Dr. McCarthy DeMere, a Memphis plastic surgeon, who was Ray's physician during his eight-month stay in the Shelby County jail.

The committee, which had criticized the Memphis police for its performance before and after the King assassination on April 4, 1968, praised the security and health care afforded Ray in the county facilities.

"I only wish Lee Harvey Oswald had received the same attention you and the authorities gave James Earl Ray," Rep. Richard Preyer (D-N.C.), told DeMere.

The lead witness today was scheduled to be Mrs. Grace Walden, a former mental patient who claims to have seen someone other than Ray leaving the bathroom of the boarding house across from the Lorraine Motel in Memphis where King was killed.

Mark Lane of Memphis, the lawyer for Ray and a guardian of Mrs. Walden, is expected to try to reappear before the committee Wednesday.

Lane and Memphis lawyer Duncan Ragsdale said late Monday that Grace Walden will not appear to answer a committee subpena this morning. They are co-guardians of Mrs. Walden, who lives with Lane at 1177 Central in Memphis.

The two lawyers said they expect to present the committee with affidavits from Mrs. Walden; Wayne Chastain, a Memphis lawyer and former reporter for the Memphis Press-Scimitar; April Ferguson, a 35-year-old law school graduate who lives at Lane's residence, and one from Lane.

The Walden affidavit says that Mrs. Walden heard an explosion and saw a man rushing from the bathroom at the boarding house at 6 p.m. April 4, 1968.

She described the man in the affidavit as being about 5-4 or 5-5, a slim man with small bones who appeared to be in his late 50s or early 60s. She said he had a dark complexion.

The affidavit states she later saw photographs of James Earl Ray.

"There is no doubt in my mind that the person I saw leave the bathroom just after the shot was fired that killed Dr. King was not James Earl Ray," the affidavit says. "In fact, that man looks nothing like James Earl Ray."

Lane was critical of Foreman's appearance and repeated his theories that King was killed in a conspiracy involving the FBI.

Focus of Monday's testimony was the role of Foreman and Canale in the plea bargaining for Ray's 99-year sentence.

Percy Foreman

The suggestion by Ray that Foreman made a "deal" with the court and the prosecution was a theme developed by Lane in a book. He called the plea supportive of other evidence "of a pre-arranged plan to murder King and to cover up the evidence of that conspiracy."

In his book, Lane wrote that "once Foreman entered the case (for Ray), the inexorable march toward a deal — the guilty plea and a 99-year sentence — was underway."

Lane sat in the House committee room Monday as committee counsel announced they would probe those allegations.

Canale said he never approached Ray or his lawyer for a plea bargaining deal. He said the plea bargaining came only after Ray decided he would accept the plea for a 99-year sentence.

Foreman told the committee he had not told Ray to enter the plea in March, 1969, but advised him of what might happen if he did not.

"I didn't recommend against it," Foreman testified. "I told him I thought he'd be convicted. I told him I thought he'd be executed . . . but I did not tell him to enter this plea. He suggested that."

Canale testified that the possibility of one juror voting to acquit Ray figured in his agreeing to the plea bargaining, since there was widespread rumor in Memphis by some whites that they favored acquittal.

He also said the decision to enter the bargaining process came after he sought the opinion of black leaders and white leaders in Memphis and after he had talked with the lawyer for King to see if there was any "undue objection" to a guilty plea.

Canale also said former Gov. Buford Ellington had thought the plea bargaining a wise choice.

Canale said he "probably" discussed the plea bargaining idea with Judge W. Preston Battle before it was entered, but that he discussed the actual bargaining only with Foreman. He said he only talked with Battle because it was useless to proceed if it would have been turned down. He said Battle didn't care if the case went to trial or a guilty plea was entered.

"They (details of the plea) were worked out between Percy Foreman and me," Canale told the committee.

He said, however, his office was prepared to go to trial at any time, despite the fact that Ray might be expected to change his story at trial.